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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,842	01/02/2002	Dan Kikinis	1028-042-1	6723

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EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/037,842	Applicant(s) KIKINIS, DAN	
	Examiner Peling A. Shaw	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45, 46, 48-52, 55-59, 61-65, 67-74 and 78-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-46, 48-52, 55-59, 61-65, 67-74 and 78-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/09/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

PAS

DETAILED ACTION

1. Amendment received on 02/08/2007 has been entered into record. Claims 45, 55, 58, 64-65, 70 and 78 are amended. Claims 47, 53-54, 60, 66 and 75-77 are cancelled. Claims 45-46, 48-52, 55-59, 61-65, 67-74 and 78-80 are currently pending.
2. Applicant's submission filed on 05/26/2006 was entered. Claims 1-44 were cancelled. Claims 45-80 were new.
3. Amendment received on 08/18/2005 was entered. Claims 1 and 25 were amended. Claims 26-44 were new.

Priority

4. This application has claimed a priority of 60/264,937 filed on 01/29/2001. The filing date is 01/02/2002.

Claim Rejections - 35 USC § 112, second paragraph

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 45-46, 48-52 and 55-57 are rejected under 35 U.S.C. 112, second paragraph as following:

- a. Claim 45 recites the limitation of "a remote proxy agent" twice and later recites the limitation of "the proxy agent" twice in the same claim, three times in claim 50 and once in claim 52. It is not clear which remote proxy agent is referred to as the remote proxy agent in each instance. Claim 45 and its dependent claims 46, 48-52 and 55-57 are thus rejected. For the purpose of applying art, the second instance of remote proxy agent is referred to as the first instance of remote proxy agent, i.e. the first instance of

“a remote proxy agent” as “the remote proxy agent” instead of repeat another instance of “a remote proxy agent”.

- b. Claim 51 has further recites another instance of “a remote proxy agent”. It is not clear that this remote proxy agent is different from the other two instances of “a remote proxy agent”. For the purpose of applying art, in additional to the suggestion as in item a above, the instance of “a remote proxy agent” is read as “the remote proxy agent” to refer to the first instance of “a remote proxy agent” in claim 45.

Claim Rejections - 35 USC § 112, first paragraph

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 45-46, 48-52, 55-59, 61-65, 67-74 and 78-80 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. Independent claims 45, 58, 64 and 70 are amended with limitations citing “wired data network” or “wired network” that are not found in the original specification or claim language. Applicant’s original specification and claim language does use the language of “network” or “Internet” instead of. It is not clear on applicant’s intention to amend the claim with such a limitation as “wired data network” or “wired network”. It thus brings new subject to the application and is not allowed under 35

U.S.C. § 112, first paragraph. It would cause undue experimentation to one of ordinary skill in the art to make Applicant's invention. Other claims, i.e. claims 46, 48-52, 55-57, 59, 61-63, 65, 67-69, 71-74 and 78-80 depend upon these claims are rejected as well for the same reason. For the purpose of applying art, the amended limitations citing "wired data network" or "wired network" will be read as "data network", "network" or "Internet".

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45, 50-52, 56-58, 64, 67-70 and 79-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantges (US 6324648 B1), hereinafter referred as Grantges, and further in view of Hanhan (US 6711611 B2), hereinafter referred as Hanhan.

- a. Grantges shows (claim 45) a remote gateway agent (Fig. 1; column 3, line 64-column4, line 22: DMZ server) for enabling remote data access to and task execution on a processing system (Fig. 1; column 3, line 64-column4, line 22: application servers 24s) through a remote proxy agent on a wired data network (Fig. 1; column 3, line 64-column4, line 22: proxy server 34) comprising: the gateway is accessible to a user device and to a remote proxy agent via the wired data network, and wherein the

remote gateway agent is adapted for: receiving a request from the user device for a task to be performed by the processing system (column 4, lines 38-40: HTTP request); and forwarding the task request to the remote proxy agent residing on the processing system, wherein the remote proxy agent is adapted for: receiving and analyzing the task request from the remote gateway agent (column 3, line 26-30; column 6, line 37-column 7, line 12: application gateway authenticate and map the message to destined application server); directing the request to the processing system for processing (column 7, lines 1-12: establish secure connection, map the message to destined application server); and sending a result from the processing system to the remote gateway agent (Fig. 2, items 76 and 78; column 9, lines 19-35: request and result, i.e. options page); and wherein the remote gateway agent is further adapted for sending the result to the user device via the network (Fig. 2, items 76 and 78; column 9, lines 19-35: request and result, i.e. options page via DMZ proxy server). Grantges does not show (claim 45) the remote gateway agent is installed in a wireless gateway in a wireless data network; the wireless gateway is accessible to a wireless network-capable user device via the wireless data network; and transcoding the results for viewing by the wireless network capable user device. Grantges does shows wherein the gateway receives the result (Fig. 2, items 76 and 78; column 9, lines 19-35: result, i.e. options page).

- b. Hanhan shows (claim 45) the remote gateway agent is installed in a wireless gateway in a wireless data network (column 5, lines 58-65: proxy server in wireless communication network); the wireless gateway is accessible to a wireless network-

capable user device via the wireless data network (column 5, lines 58-65: light device wireless connection with proxy server); and transcoding the results for viewing by the wireless network capable user device (column 8, lines 33-52: automated services system adapted to handle automated interaction and response for certain text-based interactions such as e-mails, facsimiles, and the like; column 9, lines 31-41: converter capable of real-time conversion and entry) in an analogous art for the purpose of data-linking a mobile knowledge worker to home communication-center infrastructure.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Grantges' functions of secure gateway with Hanhan's functions of wireless application access.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to have wireless access capability per Hanhan's teaching in accessing through proxy server per Grantges (column 3, lines 26-30) and Hanhan (column 5, lines 58-65)'s teaching.
- e. Regarding claim 50, Grantges shows wherein the remote gateway agent is further adapted for: receiving a registration request from the remote proxy agent, wherein the remote proxy agent resides on the processing system; and registering the remote proxy agent with the remote gateway agent (column 4, line 23-65).
- f. Regarding claim 51, Grantges shows wherein the remote gateway agent is further adapted for: determining whether the user device is entitled to request the task from the processing system (column 6, lines 12-27: first level authentication); and

establishing a path to a remote proxy agent if the user device is entitled to request the task from the processing system (column 6, lines 38-67: second secure connection).

- g. Regarding claim 52, Grantges shows wherein the remote proxy agent is further adapted for registering with the remote gateway agent (column 4, line 23-65).
- h. Regarding claim 56, Grantges shows wherein the request specifies a serial execution of serial tasks and return of results (Fig. 8, column 14, line 25-column 15, line 63: a serial execution of tasks for web browsing).
- i. Regarding claim 57, Grantges shows wherein a plurality of requests are sent to the processing system in an un-interrupted data session (Fig. 8, column 14, line 25-column 15, line 63: the request is in one session).
- j. Claims 58, 64 and 70 are of the same scope as claims 45 and 50. These are rejected for the same reasons as for claims 45 and 50.
- k. Regarding claim 67, Hanhan shows wherein directing the request to the processing system for processing comprises directing the request to the processing system for processing via an application program interface between the remote gateway agent and an application specified in the request (column 11, lines 14-26: Inter-Browser, Web, Proxy-Server).
- l. Claims 68-69 and 79-80 are of the same scope as claims 56-57. These are rejected for the same reasons as for claims 56-57.

Together Grantges and Hanhan disclosed all limitations of claims 45, 50-52, 56-58, 64, 67-70 and 79-80. Claims 45, 50-52, 56-58, 64, 67-70 and 79-80 are rejected under 35 U.S.C.

103(a).

8. Claims 46, 48-49, 59, 61-63 and 71-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantges and Hanhan, and further in view of Anderson et al. (US 6633905 B1), hereinafter referred as Anderson and Staples et al. (US 20020118671 A1), hereinafter referred as Staples.

- a. Grantges and Hanhan shows claims 45, 58 and 70 as above. Neither Grantges nor Hanhan shows (claim 46) wherein the processing system is selected from the group consisting of a personal computer, a multipurpose printing center, and a computer-connected peripheral. However Grantges shows (Fig. 1; column 3, line 64-column4, line 22) application servers 24s in computer system 20 are connected to application gateway.
- b. Anderson shows (claim 46) wherein the processing system is selected from the group consisting of a personal computer (column 5, lines 40-48: pcAnywhere, Remotely Possible and Carbon Copy shows remote access a person computer) and a computer-connected peripheral (column 5, line 11-18: remote power control) in an analogous art for the purpose of accessing and operating personal computers remotely.
- c. Staples shows (claim 46) wherein the processing system is selected from the group consisting of a multipurpose printing center (Fig. 1: printer server) in an analogous art for the purpose of extending office telephony and network data services to a remote client through the internet.
- d. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Grantges' functions of secure gateway with Hanhan's

functions of wireless application access, Staples' explicitly identified functions of printing and Anderson's functions of remote accessing and operating computer.

- e. The modification would have been obvious because one of ordinary skill in the art would have been motivated to extend Grantges and Hanhan's remote access control functions for a computer system of application servers to any computer based system per Anderson (column 5, lines 40-48) and Staples' teaching (column 5, line 11-18).
- f. Regarding claim 48, Staples show wherein the processing system comprises at least one application selected from the group consisting of an e-mail application, a word processing application, a facsimile application, a telephony application, and an operating system component application (Fig. 1: Email server and FAX server).
- g. Regarding claim 49, Grantges show wherein the task request is selected from the group consisting of searching a directory, opening a target file (column 11, line 13-55: look up local database user profile); Staples show accessing an e-mail application, sending a fax, reading a document over a dialed telephone connection (Fig. 1: Email server and FAX server, using client modem to access file server). Anderson shows powering on a device connected to the processing system, and powering off the device connected to the processing system (column 5, line 11-18: remote power control).
- h. Claims 59, 61-63 and 71-74 are of the same scope as claims 46 and 48-49. These are rejected for the same reasons as for claims 46 and 48-49.

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Together Grantges, Hanhan, Staples and Anderson disclosed all limitations of claims 46, 48-49, 59, 61-63 and 71-74. Claims 46, 48-49, 59, 61-63 and 71-74 are rejected under 35 U.S.C. 103(a).

9. Claims 55, 65 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantges and Hanhan, and further in view of Maes (US 6970935 B1), hereinafter referred as Maes.

- a. Grantges and Hanhan shows claims 45, 64 and 70 as above. Neither Grantges nor Hanhan shows (claim 55) wherein the wireless network-capable device is a WAP enabled cellular phone. However Hanhan shows (column 5, lines 58-65) a cell telephone is connected to a proxy server via a wireless connection or a data-packet connection via Internet.
- b. Maes shows (claim 55) wherein the wireless network-capable device is a WAP enabled cellular phone (column 6, line 56-column 7, line 7: WAP used in wireless) in an analogous art for the purpose of conversational networking via transport, coding and control conversational protocols.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Grantges' functions of secure gateway with Hanhan's functions of wireless application access and Maes's functions of using WAP as transport protocol.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to have wireless access capability per Hanhan and Maes'

teaching in accessing through proxy server per Grantges (column 3, lines 26-30),

Hanhan (column 5, lines 58-65) and Maes (column 23, lines 22-37)' teaching.

- e. Claims 65 and 78 are of the same scope as claims 55. These are rejected for the same reasons as for claims 55.

Together Grantges, Hanhan and Maes disclosed all limitations of claims 55, 65 and 78.

Claims 55, 65 and 78 are rejected under 35 U.S.C. 103(a).

Response to Arguments

10. Applicant's arguments filed on 02/08/2007 with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

- a. Applicant has amended the independent claims with the limitations of wireless and transcoding. Applicant has further argued that the previously applied prior art, i.e. Makagon, has not properly claimed a priority on a now patented application, i.e. Hanhan. Examiner has reviewed the amended the claim language. Examiner has further reviewed Hanhan and Makagon and found they share the same assignee. However has further searched and found Maes in combinatory with Hanhan would replace Makagon as a proper prior arts to cover applicant's amended limitations of wireless and transcoding. Here wireless is also disclosed in applicant's original specification in Background of the Invention.
- b. Examiner has thus updated claim rejections as above with additional references cited from Hanhan and Maes.
- c. It is the Examiner's position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to claim as broadly as possible their invention, it is also the Examiner's right to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features of applicant's specification are unique (see items a-d in section 7). Grantges, Hanhan

and Maes has shown wireless access via a remote proxy-server and a local application server for data network access services. It is clear that Applicant must be able to submit claim language to distinguish over the prior arts used in the above rejection sections that discloses distinctive features of Applicant's claimed invention. It is suggested that Applicant compare the original specification and claim language with the cited prior art used in the rejection section above or the Remark section below to draw an amended claim set to further the prosecution.

- d. Failure for Applicant to narrow the definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant's intent to broaden claimed invention. Examiner interprets the claim language in a scope parallel to the Applicant in the response. Examiner reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Remarks

11. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. BELANGER et al. (US 20010014839 A1) REMOTE COMMUNICATION AND INFORMATION MANAGEMENT SYSTEM
- b. Makagon et al. (US 20040019638 A1) Method and apparatus enabling voice-based management of state and interaction of a remote knowledge worker in a contact center environment

Conclusion

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

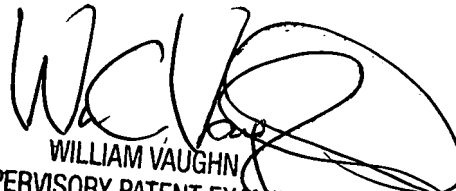
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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